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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,247	10/24/2003	Donald A. Dorsey	CS23154RL	1437

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EXAMINER

ADDY, ANTHONY S

ART UNIT	PAPER NUMBER
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2681

DATE MAILED: 02/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/693,247

Applicant(s)

DORSEY ET AL.

Examiner

Anthony S. Addy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,3,5,7 and 9-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,3,5,7 and 9-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 October 2003 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to applicant's amendment filed on November 16, 2005.

Claims 4, 6, 8 and 21-22 are cancelled, claims 1-3, 5, 7 and 9-20 are now pending in the present application.

Response to Arguments

2. Applicant's arguments with respect to claims 1-3, 5, 7, 9-15 and 20 have been considered but are moot in view of the new ground(s) of rejection.

3. The indicated allowability of claims 16-19 are withdrawn in view of the newly discovered reference(s), **Jiang et al., U.S. Publication Number 2004/0087305** to overcome the allowable subject matter in the claims. Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 1-3, 5, 7, 9-15 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Tani, U.S. Publication Number 2003/0157923 A1 (hereinafter Tani)** and **Dalsgaard et al., U.S. Patent Number 6,792,284 (hereinafter Dalsgaard)** and further in view of **Jiang et al., U.S. Publication Number 2004/0087305 A1 (hereinafter Jiang)**.

Regarding claims 1 and 20, Tani teaches an emergency call placement method (see Figs. 4 & 6) for user equipment (UE) in idle mode camped on an old cell to place a call with a wireless communication network having a first radio access technology (see paragraph 0042, line 1 through paragraph 0044, line 7 and Fig. 1; where mobile station 1 is shown in wireless communication with base stations 2-1 through 2-n) comprising the steps of: (a) requesting a radio resource control connection using "emergency call" as an establishment cause (see paragraph 0125, line 1 through paragraph 0139, line 8 and Fig. 6); (c) completing a radio resource control connection setup, if a radio resource control connection setup message has been received from the wireless communication network (see paragraph 0125, line 1 through paragraph 0139, line 8 and Fig. 6); and (d) sending a connection management service request using an "emergency call establishment" as a service type (see paragraph 0139, lines 1-8 and Fig. 6; S37).

Tani fails to explicitly teach a method comprising the steps of: (b) changing to a new cell in a different steering area than the old cell and returning to step (a).

Dalsgaard, however, teaches a method and arrangement for cell reselection, wherein a mobile terminal performs cell reselection to camp on a new cell in a different steering area than the old cell (see col. 7, lines 60 through col. 8, lines 24 and Fig. 4). According to Dalsgaard, if permission to perform cell reselection is granted the terminal moves to be a user of the selected neighbor cell where it is offered services available in the neighbor cell (see col. 8, lines 20-23). One of ordinary skill in the art further recognizes that it would be obvious to return to step (a) of the method in the instant invention, to request a radio resource control connection using "emergency call" as an

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establishment cause as taught by Tani, since Dalsgaard teaches if permission to perform cell reselection is granted the terminal moves to be a user of the selected neighbor cell where it is offered services available in the neighbor cell.

It would therefore have been obvious to one of ordinary skill in the art at the time of the invention to modify Tani with Dalsgaard to include a method comprising the steps of: (b) changing to a new cell in a different steering area than the old cell and returning to step (a), in order to request and allocate available resources in a new neighbor cell when resources of an old cell are exhausted, and thus complete a communication request to offer broader services to the mobile terminal as taught by Dalsgaard (see col. 6, lines 25-28).

The combination of Tani and Dalsgaard fails to explicitly teach wherein step (b) returns to step (a) without performing a steering area update.

Jiang, however, teaches a method for cellular network traffic redirection, wherein if a subscriber is in midst of a call, an Update Location is not sent to the Home Public Mobile Network (HPMN) when the subscriber moves between two VLR areas (see paragraph 0151, lines 1-5 and paragraph 0154, lines 1-4). According to Jiang, if the network just hands over the call to another MSC, no new Update Location (UL) is sent, because the original VLR/MSC still retains call control and just the radio part is handed over, and the second VLR gets the subscriber information from the earlier VLR (see paragraph 0154, lines 7-11). Jiang further teaches, since the Traffic Redirection network element blocks the Update Location messages, this implies that if the subscriber *is in the midst of a call, there will be no location update* (i.e. equates to

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changing to a new cell in a different steering area than the first cell without performing a location area update and without performing a routing area update) and hence there will be no affect on quality of service to the subscriber (see paragraph 0155, lines 1-5).

It would therefore have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of not performing a location update during a call and a cell reselection or redirection of Jiang, to the method of Tani and Dalsgaard to include a method, wherein the step (b) returns to step (a) without performing a steering area update, in order to maintain a quality of service during a call or cell reselection or redirection as taught by Jiang (see paragraph 0154, line 1 through paragraph 0155, line 5).

Regarding claim 2, the combination of Tani, Dalsgaard and Jiang teaches all the limitations of claim 1. Tani further teaches a method further comprising the steps of: receiving a radio resource control connection setup message, after the step of requesting again; completing a radio resource control connection setup, after the step of receiving (see paragraph 0125, line 1 through paragraph 0139, line 8 and Fig. 6); and sending a connection management service request using "emergency call establishment" as a service type (see paragraph 0139, lines 1-8 and Fig. 6; S37)

Regarding claim 3, the combination of Tani, Dalsgaard and Jiang teaches all the limitations of claim 1. Dalsgaard further teaches a method, wherein the new cell is in a different location area than the first cell (see col. 7, lines 60 through col. 8, lines 24 and Figures 4 & 6).

Regarding claim 5, the combination of Tani, Dalsgaard and Jiang teaches all the limitations of claim 3. Dalsgaard further teaches a method, wherein the new cell is in a different routing area than the first cell (see col. 7, lines 60 through col. 8, lines 24 and Figures 4 & 6).

Regarding claim 7, the combination of Tani, Dalsgaard and Jiang teaches all the limitations of claim 1. Dalsgaard further teaches a method, wherein the new cell is in a different routing area than the first cell (see col. 7, lines 60 through col. 8, lines 24 and Figures 4 & 6).

Regarding claim 9, the combination of Tani, Dalsgaard and Jiang teaches all the limitations of claim 1. Dalsgaard further teaches a method, wherein the step of changing comprises redirecting to a new cell (see col. 7, lines 60 through col. 8, lines 24 and Figures 4 & 6).

Regarding claim 10, the combination of Tani, Dalsgaard and Jiang teaches all the limitations of claim 1. Dalsgaard further teaches a method, wherein the step of changing comprises reselecting to a new cell (see col. 7, lines 60 through col. 8, lines 24 and Figures 4 & 6).

Regarding claim 11, the combination of Tani, Dalsgaard and Jiang teaches all the limitations of claim 1. Dalsgaard further teaches a method, wherein the new cell has a same carrier frequency as the first cell (see col. 2, lines 36-48, col. 15, lines 42-56 and Fig. 6; where cells 2, 4, 5 and 7 have the same carrier frequency).

Regarding claim 12, the combination of Tani, Dalsgaard and Jiang teaches all the limitations of claim 1. Dalsgaard further teaches a method, wherein the new cell has

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a different carrier frequency than the first cell (see col. 2, lines 36-48, col. 15, lines 42-56 and Fig. 6; where cells 2, 4, 5 and 7 have the same carrier frequency and different from the carrier frequency of cells 1, 3, 6 and 8).

Regarding claim 13, the combination of Tani, Dalsgaard and Jiang teaches all the limitations of claim 1. Dalsgaard further teaches a method, wherein the new cell has a second radio access technology (see col. 7, line 60 through col. 8, line 29).

Regarding claims 14 and 15, the combination of Tani, Dalsgaard and Jiang teaches all the limitations of claim 13. The combination of Tani, Dalsgaard and Jiang further teaches the first radio access technology is wideband code division multiplex access (WCDMA) (see **Tani**, paragraph 0005, lines 1-5) and the second radio access technology is Global System for Mobile Communication (GSM) (see **Dalsgaard**, see Fig. 6).

6. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Tani**, **U.S. Publication Number 2003/0157923 A1 (hereinafter Tani)** and further in view of **Dalsgaard et al., U.S. Patent Number 6,792,284 (hereinafter Dalsgaard)**.

Regarding claim 16, Tani teaches a method for user equipment (UE) in idle mode camped on an old cell to place a call with a wireless communication network (see Figs. 1 & 6) comprising the steps of: (a) requesting a radio resource control connection using "emergency call" as an establishment cause (see paragraph 0125, line 1 through paragraph 0139, line 8 and Fig. 6); (e) completing a radio resource control connection setup, if a radio resource control connection setup message has been received from the

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wireless communication network (see paragraph 0125, line 1 through paragraph 0139, line 8 and Fig. 6); and (f) sending a connection management service request using "emergency call establishment" as a service type (see paragraph 0139, lines 1-8 and Fig. 6; S37).

Tani fails to explicitly teach (b) redirecting to a new cell in a different steering area than the old cell and returning to step (a), if a radio resource control connection reject message has been received from the wireless communication network with redirection to a new frequency; (c) redirecting to a new cell in a different steering area than the old cell and returning to step (a), if a radio resource control connection reject message has been received from the wireless communication network with redirection to a new radio access technology; (d) reselecting to a new cell in a different steering area than the old cell and returning to step (a), if a neighboring cell provides better service.

However, the process of a cell reselection or redirection to select a neighboring cell that provides better service is very well known in the art as taught for example by Dalsgaard. Dalsgaard teaches a method, wherein a terminal in idle mode utilizing basic GSM service and realizing the need for GPRS service performs a cell reselection or redirection to select a neighboring cell that supports GPRS service (see col. 7, lines 28-59 and Fig. 4). Dalsgaard teaches if a need for GPRS service is created, it is first examined if the current serving cell of the terminal supports the GPRS services, and if it is determined that the current cell does not support GPRS services, then the possibilities of a number of adjacent cells to provide the GPRS services are

examined (see col. 7, line 60 through col. 8, line 5 and Fig. 4). According to Dalsgaard if a neighbor cell that performs GPRS service is found among the neighbor cells, a cell reselection according to the standard might be performed and if permission to perform cell reselection is granted the terminal moves to be a user of the selected neighbor cell where it is offered the GPRS services available in said cell (see col. 8, lines 5-29 and Fig. 4). One of ordinary skill in the art further recognizes that it would be obvious to return to step (a) of the method in the instant invention, to request a radio resource control connection using "emergency call" as an establishment cause as taught by Tani, since Dalsgaard teaches if permission to perform cell reselection is granted the terminal moves to be a user of the selected neighbor cell where it is offered services available in the neighbor cell and also teaches an emergency call establishment as a parameter for a special cell access request (see col. 9, lines 7-65 and Table 2).

It would therefore have been obvious to one of ordinary skill in the art at the time of the invention to modify Tani with Dalsgaard to include a method comprising the steps of: (b) redirecting to a new cell in a different steering area than the old cell and returning to step (a), if a radio resource control connection reject message has been received from the wireless communication network with redirection to a new frequency; (c) redirecting to a new cell in a different steering area than the old cell and returning to step (a), if a radio resource control connection reject message has been received from the wireless communication network with redirection to a new radio access technology; (d) reselecting to a new cell in a different steering area than the old cell and returning to step (a), if a neighboring cell provides better service, in order to allow a terminal in idle

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mode utilizing basic GSM service and realizing the need for GPRS service to perform a cell reselection or redirection to select a neighboring cell that supports GPRS service as taught by Dalsgaard (see col. 7, lines 28-59 and Fig. 4).

7. Claims 17, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Tani., U.S. Publication Number 2003/0157923 A1 (hereinafter Tani)** and **Dalsgaard et al., U.S. Patent Number 6,792,284 (hereinafter Dalsgaard)** as applied to claim 16 above, and further in view of **Jiang et al., U.S. Publication Number 2004/0087305 A1 (hereinafter Jiang)**.

Regarding claims 17, 18 and 19, Tani in view of Dalsgaard teaches all the limitations of claim 16. Tani in view of Dalsgaard fails to explicitly teach a method, wherein the steps (b), (c) and (d) returns to step (a) without performing a steering area update.

Jiang, however, teaches a method for cellular network traffic redirection, wherein if a subscriber is in midst of a call, an Update Location is not sent to the Home Public Mobile Network (HPMN) when the subscriber moves between two VLR areas (see paragraph 0151, lines 1-5 and paragraph 0154, lines 1-4). According to Jiang, if the network just hands over the call to another MSC, no new Update Location (UL) is sent, because the original VLR/MSC still retains call control and just the radio part is handed over, and the second VLR gets the subscriber information from the earlier VLR (see paragraph 0154, lines 7-11). Jiang further teaches, since the Traffic Redirection network element blocks the Update Location messages, this implies that if the

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subscriber ***is in the midst of a call, there will be no location update*** (i.e. equates to changing to a new cell in a different steering area than the first cell without performing a location area update and without performing a routing area update) and hence there will be no affect on quality of service to the subscriber (see paragraph 0155, lines 1-5).

It would therefore have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of not performing a location update during a call and a cell reselection or redirection of Jiang, to the method of Tani and Dalsgaard to include a method, wherein the steps (b), (c) and (d) returns to step (a) without performing a steering area update, in order to maintain a quality of service during a call or cell reselection or redirection as taught by Jiang (see paragraph 0154, line 1 through paragraph 0155, line 5).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

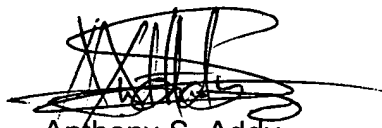
Hulkkonen et al., U.S. Publication Number 2005/0101288 A1 discloses emergency call support for mobile communications.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony S. Addy whose telephone number is 571-272-7795. The examiner can normally be reached on Mon-Thur 8:00am-6:30pm.

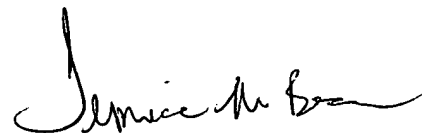
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Anthony S. Addy
February 1, 2006



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